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Tafoya Trial Shift Denied

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FORT COLLINS — The trial of Eugene Tafoya, the former Green Beret accused of shooting a Libyan opposed to the regime of Col. Moammar Khadafy, will remain in Fort Collins, at least for the time being.

Larimer County District Court Judge J. Robert Miller on Wednesday denied the request of Tafoya's lawyers, Walter Gerash and Scott Robinson, to move the trial from this northern Colorado city.

Miller, however, left the door open to the defense attorneys to renew their change of venue motion during jury selection.

The task of choosing a jury is scheduled to begin today.

Tafoya, who lives in New Mexico, is charged with attempted first-degree murder and conspiracy in connection with the Oct. 14, 1980, shooting of Faisal Zagallai, then a graduate student at Colorado State University. Zagallai was shot twice in the head. He survived, but lost the sight in one eye.

Tafoya's defense attorneys claim Tafoya can't obtain a fair

trial in Fort Collins because of the publicity which has surrounded the case and the extensive security arrangements at the trial.

To reach Miller's courtroom, a person must pass through a metal detector and checkpoint manned by guards carrying rifles. Also at the checkpoint is an attack dog trained to detect explosives.

Ten yards farther down the hall, a spectator must pass through a narrow, screened passageway and then past a point where a guard, armed with an M-16 rifle, stands behind a heavy, metal shield. Additional rifle-holding guards stand immediately outside the courtroom.

Authorities claim Tafoya has expressed fears that if certain statements he made to them about the Central Intelligence Agency and former CIA agent Edwin Wilson were made public, he would be in jeopardy. Wilson is now wanted in connection with the illegal exporting of explosives to Libya.

It was revealed Tuesday that Tafoya claimed the CIA paid him more than \$8,000 to "rough up" Zagallai, an opponent of the Libyan government, at Zagallai's Fort Col-

lins apartment. However, Tafoya allegedly told a Fort Collins Police Department detective that "things got out of hand" and he was forced to shoot Zagallai in self-defense.

Those statements were made during a hearing on pretrial motions, and Miller ruled that the jury would not be allowed to hear them because the police detective had not adequately advised Tafoya of his rights.

In another development Wednesday, an affidavit filed by Loren B. Schall, assistant Larimer County district attorney, claimed that a North Carolina man, James Clinton Dean, 52, was the mystery man on a tape recording seized by authorities last April at Tafoya's home in Truth or Consequences, N.M.

In the tape, a man authorities claim is Tafoya talks to a "Jim" (allegedly Dean) about various topics including a "job up North" in Kitchener, Ontario, Canada. The date of the job coincides with the date that a sports car belonging to a Canadian businessman who had dealings with Libya was destroyed by fire.